

MINUTES OF THE MAY 16, 2006, ROY CITY COUNCIL MEETING

1. Approval of Minutes of May 2, 2006
2. Consideration of a conditional acceptance of improvements for Lindquist Roy Mortuary located at approximately 3333 West 5600 South
3. Consideration of a preliminary subdivision plan for the Seifert Estates Subdivision located at approximately 5400 South 2500 West
4. Public hearing to consider vacating a portion of the right-of-way in the Burmont Park Subdivision located at approximately 2550 West 5600 South
 - a. Consideration of Ordinance No. 968 vacating a portion of the right-of-way in the Burmont Park Subdivision located at approximately 2550 West 5600 South
5. Public comments
6. City Manager's report
7. Mayor and Council reports
8. Adjourn

Minutes of the Roy City Council Meeting held May 16, 2006, at 6:00 p.m. in the City Council Room of the Roy City Municipal Building.

The meeting was a regularly scheduled meeting designated by resolution. Notice of the meeting was provided to *The Standard Examiner* at least 24 hours in advance. A copy of the agenda was posted.

The following were in attendance:

Mayor Joe H. Ritchie
Councilwoman Marge Becraft
Councilman Tommy Smith
Councilman Dave Tafoya
Councilman Michael Stokes
Councilman Larry Peterson

City Manager Chris Davis
City Attorney Andrew Blackburn
Secretary Char Wolverton

Also present were: Dan Tanner; Brad Larsen; Brent Field; Katie Ellis; Kirt Nalder, Guy Hill.

Moment of Silence: Councilman Stokes

Pledge of Allegiance: Councilman Stokes

1. APPROVAL OF MINUTES OF MAY 2, 2006

Councilwoman Becraft moved to approve the minutes of May 2, 2006, as written. Councilman Peterson seconded the motion. Council members Smith, Tafoya, Becraft, Stokes, and Peterson voted “aye.” The motion carried.

2. CONSIDERATION OF A CONDITIONAL ACCEPTANCE OF IMPROVEMENTS FOR LINDQUIST ROY MORTUARY LOCATED AT APPROXIMATELY 3333 WEST 5600 SOUTH

Chris Davis stated that this is a consent agenda item. Mark Miller, City Engineer, submitted a letter to the City stating that the site improvements have been constructed in accordance with the approved site plan.

Councilman Stokes asked if the condition of the curb, gutter, sidewalk, etc. has been inspected and approved. Mr. Davis said he thought that had been done but would verify that it had. Councilman Stokes stated that he feels it is important to assure that those types of things are replaced if need be early on and that the developers repair any damage they have caused.

Councilman Smith moved to grant conditional acceptance of improvements for Lindquist Roy Mortuary located at approximately 3333 West 5600 South subject to verification that any damage done during construction has been repaired. Councilman Stokes seconded the motion. Council members Smith, Tafoya, Becraft, Stokes, and Peterson voted “aye.” The motion carried.

3. CONSIDERATION OF A PRELIMINARY SUBDIVISION PLAN FOR THE SEIFERT ESTATES SUBDIVISION LOCATED AT APPROXIMATELY 5400 SOUTH 2500 WEST

Mark Larson showed the subdivision plat for Seifert Estates Subdivision. He stated that the subdivision would develop in two phases; however, phase 2 will not be developed any time soon. The Planning Commission held a public hearing and then made a motion to approve Seifert Estates Subdivision subject to the following list of recommendations; prior to final approval the City Engineer review the drainage to make sure it would work after removal of the ditch; that the drainage from 5600 South be considered; that drainage from the east be considered; that 5400 South have no parking; and that the developer work out the relocation of the overhead power lines with Utah Power and Light.

Councilman Smith asked what the property is zoned. Mr. Larson stated that it is zoned R-1-8. Councilman Smith asked when Phase 2 would be developed. Mr. Larson stated that one of the Seifert daughters said that she hoped it would be at least 20 years before Phase 2 was developed. Councilman Tafoya asked if there was a time limit to develop Phase 2. Mr. Larson said that Phase 1 has to be developed in a certain amount of time but there is no time limit on Phase 2.

Councilman Stokes stated that in several of the last City Council meetings there has been discussion about the Council preferring larger lots and homes. He realized that in this case it's too late to require larger lot sizes. He asked; however, if restrictive covenants could be placed via a development agreement that would require things such as minimum square footage, type of building materials, etc., in order to increase future property values in that subdivision. Mr. Davis explained that a development agreement is a tool used to achieve a compromise between a developer's zoning request and a city's desire to maintain the standards of the original zone. In this case, however, the zoning is already established and the developer is not asking for anything out of the ordinary. He added that there are development standards for the zone that will apply but anything beyond that cannot be required.

Councilman Stokes stated that that was not the way that the use of development agreements was portrayed to the Council when they revised the Zoning Ordinance to allow these agreements. He stated that it was indicated during the previous discussion of development agreements that they could be used by the City to become a party to the restrictive covenants of the subdivision. This would allow the City to base building permit issuance and other approvals on these factors. He questioned the benefit of having an ability to use development agreements if the only use was to facilitate a compromise between zoning density and standards. He added that if development agreements were only to be used in this manner, it struck him as merely a tool for potentially reducing desired standards rather than enhancing them. Mr. Davis stated that a developer cannot diminish the development standards, and that nicer homes are at the discretion of the developer.

Councilman Stokes asked if legally the Council could require certain things via a development agreement in order to approve the development. Andy Blackburn indicated that they could not. Mr. Blackburn added that there is apparently a misconception of development agreements. Development agreements cannot be used to skirt standards. He added that sometimes they are useful and sometimes they are not. In this case, the subdivision is zoned R-1-8 and the developer can only be required to meet the standards of an R-1-8 zone. Councilman Smith asked if larger lots could be required in Phase 2, which hopefully would result in larger homes, and residents who stay in those homes. Mr. Davis stated that the developer has gone through the application process, has been to the Planning Commission and is now before the City Council. He is vested in this subdivision. He added that it's too late in the process to require a development agreement as those are generally put in place at the time of a rezone.

Councilman Stokes asked if the City Council could legally restrict size of homes, building materials, etc., as part of the general development standards of a zone. Mr. Blackburn stated that the standards in place when the application is made apply; however, if in the future, the Council would like to make such restrictions, they could give direction to put such requirements in place. Councilman Stokes stated that he is terribly concerned about home values. He stated that he feels that the City has subsisted on growth revenue for too many years. He stated that Roy City needs to take steps to wean itself off of this type of revenue and focus on increasing and maintaining residential property values instead. He added that this, as well as looking more at commercial growth, would help avoid potential revenue problems in the future. Councilman Tafoya added that the biggest detriment to any city is homes.

Councilman Tafoya asked if the Council could approve Phase 1 but not Phase 2. Mr. Larson stated that Phase 1 and Phase 2 is all one property and that it's important that they both be approved rather than approving half of a subdivision. Mr. Larson stated that the recommendation is for preliminary approval of Phase 1 and 2 and final approval of Phase 1. Mr. Davis stated that unless something major comes up, Phase 2 won't change much between now and final approval.

Councilman Peterson expressed concern about the power lines being buried or relocated per UP&L. He asked why the lines can't be buried. Mr. Larson stated that there is one overhead power line that will remain as is over five existing homes; the rest will be buried. Councilman Peterson also asked about the existing retaining walls. He wondered what would happen if there was damage to those walls during construction of the subdivision. Mr. Larson stated that the owners are responsible for their walls; however, if damage occurs due to removal of the ditch, the developer would be responsible to repair the damaged walls.

Councilman Smith asked if there are any other subdivisions currently in the process of development under the current zoning regulations. Mr. Larson said that there are some small parcels, 7 to 10 acres, in the process of development. Mr. Davis added that there is property between 3100 and 3500 West on 6000 South that is undeveloped; however, it is currently zoned

RE-20. Councilman Smith stated that he is concerned that the Council keeps having the same problem, referring to R-1-8 zone requirements. Councilman Peterson recommended that in the future, the Council focus more on R-1-10 zones.

Councilman Smith asked developer Brad Larsen when Phase 2 would be constructed. Mr. Larson stated that the owner is currently very much against development and there are no plans at this time to develop Phase 2.

Councilman Tafoya moved to approve a preliminary subdivision plan for the Seifert Estates Subdivision located at approximately 5400 South 2500 West subject to Planning Commission recommendations; that prior to final approval the City Engineer review the drainage to make sure it would work after removal of the ditch; that the drainage from 5600 South be considered; that drainage from the east be considered; that 5400 South have no parking; and that the developer work out the relocation of the overhead power lines with Utah Power and Light. Councilman Peterson seconded the motion. Council Members Becraft, Smith, Tafoya, Peterson and Stokes voted “aye.” The motion carried.

4. PUBLIC HEARING TO CONSIDER VACATING A PORTION OF THE RIGHT-OF-WAY IN THE BURMONT PARK SUBDIVISION LOCATED AT APPROXIMATELY 2550 WEST 5600 SOUTH

Councilwoman Becraft moved to open a public hearing at 6:42 p.m. Councilman Smith seconded the motion. Council Members Becraft, Smith, Tafoya, Peterson and Stokes voted “aye.” The motion carried.

Mark Larson stated that before the 5600 South overpass was constructed, 2550 West Street extended north to 5600 South. With the construction of the overpass, 2550 West Street ends at 5650 South. The prior road, north of 5650 South, is now a vacant piece of property. Due to this situation, staff recommends that the City Council approve vacation of the right-of-way. Mr. Larson stated that the City would require a 20-foot easement across the vacated right-of-way.

Councilwoman Becraft asked if the property would be deeded over to the current property owners or sold. Mr. Davis stated that the property was originally deeded over to the City for the purpose of constructing a road. State law dictates that if the property is not used for the original purpose of constructing a road, the property goes back to the original owners.

Mayor Ritchie asked if there was any public comment. There was none.

Councilman Smith moved to close the public hearing at 6:45 p.m. Councilman Stokes seconded the motion. Council Members Becraft, Smith, Tafoya, Peterson and Stokes voted “aye.” The motion carried.

4A. CONSIDERATION OF ORDINANCE NO. 968 VACATING A PORTION OF THE RIGHT-OF-WAY IN THE BURMONT PARK SUBDIVISION LOCATED AT APPROXIMATELY 2550 WEST 5600 SOUTH

Councilman Peterson moved to approve Ordinance No. 968 vacating a portion of the right-of-way in the Burmont Park Subdivision located at approximately 2550 West 5600 South. Councilwoman Becraft seconded the motion. A roll call vote was taken. Council members Becraft, Smith, Tafoya, Stokes and Peterson voted “aye.” The motion carried.

5. PUBLIC COMMENTS

Dan Tanner, 2557 W. 4400 S., stated that he is the event coordinator for the Roy Days Celebration. He stated that he is attempting to bring quality vendors; however, there is still uncertainty about whether there will be a carnival for Roy Days. He stated that in the past, the City has been able to get a carnival and vendors rely on that carnival for success. He added that vendors are leery to come if there is no carnival. Mr. Tanner has spoken with Mr. Davis about several carnivals. Midway West is still a hanging possibility; however, they have made no commitment. He also added that the high school relies on the subsidy that comes from Roy Days. Mr. Tanner stated that he needs to know if there is going to be a carnival or not as he has been in contact with another company, Party Time, who supplies inflatables for such events. A decision needs to be made whether the City will wait for a carnival commitment or not. Mayor Ritchie asked what would happen if the City decides to go without a carnival and then one is available at the last minute. Mr. Tanner said that there is always going to be a place for the vendors. He added that the carnival draws a bigger crowd and more quality vendors.

Mr. Tanner stated that another decision needs to be made about location of the Roy Days Celebration. If there is no carnival and Party Time provides the inflatables, there has been discussion about changing the location to Sandridge Park to accommodate the need for power for the inflatables. Mayor Ritchie asked Mr. Tanner what he would like to see happen. Mr. Tanner stated that he would like to be able to give a deadline to the potential carnivals. He said that vendors plan for the whole summer and the structure for Roy Days needs to be in place months in advance. He added that it is his feeling that the inflatables would be better than nothing at all.

Councilman Tafoya stated that it's not possible to have both a carnival and the inflatables and added that it's his feeling that Roy Days is not about money but about celebrating the community. Councilman Tafoya stated that he felt it was reasonable to give the carnival a deadline. Mr. Tanner stated that Party Time is not willing to reserve inflatables for Roy Days until a commitment is made to them. They provide inflatables for many occasions on a first-come-first-serve basis; hence, Mr. Tanner was concerned that if the City waits for a carnival commitment for much longer, Party Time may not have inflatables available either. Mayor Ritchie asked if it was

reasonable to wait for two more weeks. Mr. Tanner stated that Party Time won't reserve inflatables until a commitment is made by the City. He reminded the Council that Party Time provided the entertainment years ago and was "kicked out" when Roy City went to a carnival for entertainment.

Councilman Smith asked if there were any other options. Mr. Tanner said that he had explored all options and was not aware of any other companies who could provide similar entertainment.

Mayor Ritchie recommended that a two week deadline be given. Councilman Peterson recommended that if no carnival commitment is made by Monday, that the City book Party Time. Mr. Davis stated that if a commitment is made by a carnival, Mr. Blackburn won't have time to review contracts that quickly. He stated that he felt it was reasonable to require a commitment by Monday but that the associated paperwork and signed contract would not be completed by then.

It was the consensus of the Council that a deadline of Monday, May 22nd at 5:00 p.m. be set.

Mr. Tanner asked which park the Council would prefer if Party Time provides the inflatables. Mayor Ritchie asked if power accommodations could be made if the celebration remains at North Park. Mr. Davis said that it's possible but very expensive and added that changing the park means changing the parade route. Mr. Tanner stated that the owner of Party Time is willing to bring her own generators if Roy City doesn't charge her a slotting fee. Councilman Tafoya recommended that the celebration remain at North Park as planned and if Party Time provides inflatables, the fee be waived. Councilman Smith asked if a contract would be required with Party Time also. Mr. Blackburn said that it would. Mr. Davis stated that ERMA dictates insurance policies. Councilman Smith recommended marketing the celebration when the final decision is made. Mr. Davis stated that the celebration is advertised in an insert in the Standard Examiner every year.

Councilman Smith recommended that Roy Days be planned years in advance so that this problem doesn't occur in the future. Mr. Davis stated that there aren't many carnivals available and the ones that are out there are booked years in advance. Councilman Tafoya said that there are only 3 or 4 carnivals that travel through this state. Mr. Davis stated that Midway West is willing to provide a carnival for Roy Days if it is moved to June.

6. CITY MANAGER'S REPORT

Chris Davis stated that June 6th is the annual "Feed the Seniors Day." He said that cooking would begin at about 10:00 a.m.

Mr. Davis reported that the new ladder truck has arrived. The fire department is very excited about the new state-of-the-art ladder truck. A representative from the company who built the fire truck will provide a three-day training seminar. An open house will be held in the future so that

the public can see the new addition. The old ladder truck has been purchased by Weber Fire District.

7. MAYOR AND COUNCIL REPORTS

Councilman Tafoya stated that he has been in contact with a company in Orem who is willing to provide an inflatable movie screen. He asked if the Council was interested in a possible "Movies in the Park" night. The company charges \$1500 dollars to bring the screen, set it up, and take it down. Mayor Ritchie asked how big the screen is. Councilman Tafoya said it is approximately 26 x 19 feet. North Ogden provides a similar event on Monday nights. Councilman Tafoya said that if the Council is interested, he would get more details. The Council consented.

8. ADJOURN

Councilwoman Becraft moved to adjourn City Council Meeting at 7:24 p.m.

Joe H. Ritchie
Mayor

Attest:

Char Wolverton
Secretary